

## United States Senate

WASHINGTON, D.C. 20510

September 20, 1983

Dear Colleague,

When the Export Administration Act is considered on the Senate floor in the next few days we will introduce an amendment that would close an existing loophole in our nation's nuclear export law.

Our nuclear export amendment would prohibit the Nuclear Regulatory Commission (NRC) from licensing the export or retransfer of any component the NRC has listed as being significant for "nuclear explosive purposes" to nonweapons nations that refused to open all of their nuclear facilities to International Atomic Energy Agency (IAEA) inspection.

We believe that this amendment is needed since current law prohibits the NRC from licensing the export or retransfer of special nuclear materials (e.g., enriched uranium fuel) to such countries but allows the NRC to license items it has listed as significant for nuclear explosives purposes in the Code of Federal Regulations. Our amendment (attached with interpretation), would correct this inconsistency.

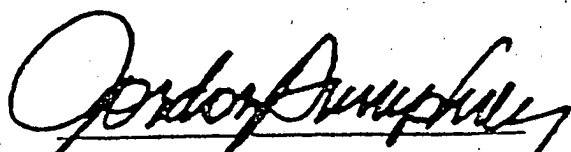
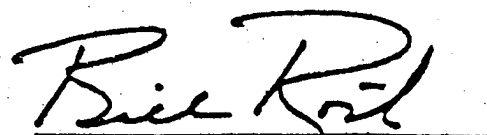
Our reasons for using the Export Administration Act as a legislative vehicle are simple. Although nuclear export matters normally are addressed by the Nuclear Non-Proliferation Act of 1978, the recent Supreme Court ruling against legislative vetoes has put this law into question. We do not believe closing the nuclear component loophole should wait until a truly embarrassing situation develops.

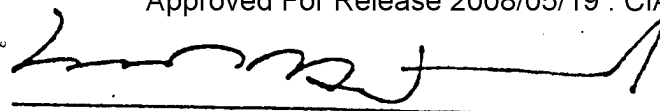
Indeed, we believe sound nuclear export control requires that this loophole be closed if only to alert pertinent agencies of Congress' desire to tighten nuclear export controls over nonweapons nations that have refused to accede to full-scope safeguards. However, our amendment would in no way restrict existing Presidential prerogative. The President may still overrule the NRC in its export licensing findings if he believes that the export must go through for national security reasons.

Please feel to contact us or have your staff contact either Henry Sokolski at 224-8766 or Ian Butterfield at 224-2441.

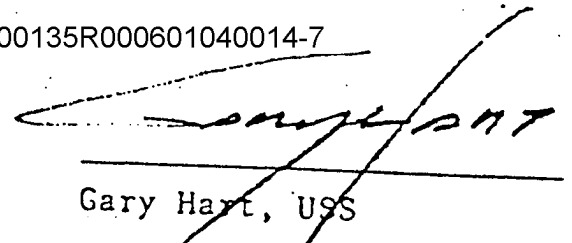
With warmest regards, we are

Sincerely,

  
Gordon J. Humphrey, USS  
William V. Roth, USS



Mark O. Hatfield, USS



Gary Hart, USS

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